

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known)

Chapter

11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name **Furla (U.S.A.), Inc.**

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business as* names

DBA Furla

3. Debtor's federal Employer Identification Number (EIN) **13-2931806**

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

**432 Park Avenue South
14th Floor
New York, NY 10016**

Number, Street, City, State & ZIP Code

P.O. Box, Number, Street, City, State & ZIP Code

New York
County

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) **www.furla.com**

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor **Furla (U.S.A.), Inc.**
Name

Case number (if known)

7. Describe debtor's business**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

4481**8. Under which chapter of the Bankruptcy Code is the debtor filing?****Check one:**

- ☐ Chapter 7
- ☐ Chapter 9

☒ **Chapter 11. Check all that apply:**

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☒ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**☒ No.☐ Yes.

If more than 2 cases, attach a separate list.

District _____ When _____ Case number _____

District _____ When _____ Case number _____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?☒ No☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor _____ Relationship _____

District _____ When _____ Case number, if known _____

Debtor **Furla (U.S.A.), Inc.**
Name

Case number (if known)

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☐ 1-49

☒ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☒ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☒ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known) _____ Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

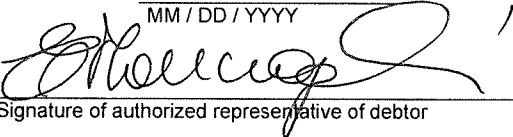
I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/06/2020

MM / DD / YYYY

X 
Signature of authorized representative of debtor

Elena Moncigoli

Printed name

Title CEO

18. Signature of attorney

X 
Signature of attorney for debtor

Date 11/06/2020

MM / DD / YYYY

Joseph T. Moldovan

Printed name

Morrison Cohen LLP

Firm name

909 Third Avenue

New York, NY 10022-4784

Number, Street, City, State & ZIP Code

Contact phone (212) 735-8600

Email address bankruptcy@morrisoncohen.com

1868827 NY

Bar number and State

FURLA (U.S.A.), INC.
A NEW YORK CORPORATION
ACTION BY UNANIMOUS WRITTEN CONSENT
OF THE BOARD OF DIRECTORS

Dated: October 30, 2020

The undersigned, constituting all of the members of the Board of Directors of Furla (U.S.A.), Inc. (the "**Corporation**"), acting pursuant to Section 708 of the New York Business Corporation Law, authorizing actions to be taken on written consent without a meeting, hereby consent to the adoption of the following resolutions and the taking of all actions permitted thereby, as the act of the Board of the Corporation (the "**Board**") as hereinafter set forth. This Consent shall be filed with the other minutes and meetings and consents of the Board.

WHEREAS, the Board has received, considered, and reviewed reports furnished concerning the financial condition of the Corporation and had discussions with counsel and other professionals; and

WHEREAS, it appearing in the business judgment of the Board that it is in the best interest of the Corporation to file a Voluntary Petition under Subchapter V of Chapter 11 of the United States Bankruptcy Code ("**Bankruptcy Code**"), it is hereby

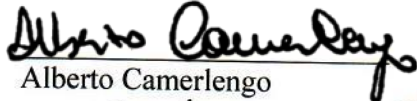
RESOLVED, that the Corporation initiate a case ("**Case**") under Subchapter V of Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court Southern District of New York; and it is further

RESOLVED, that the Corporation is authorized and directed to prepare or cause to be prepared all documents, petitions, pleadings, and other instruments necessary or appropriate including any financing facilities, to cause the initiation and prosecution of a case under the Bankruptcy Code (the "**Instruments**"); and it is further

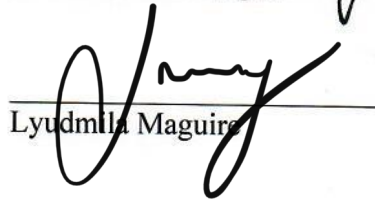
RESOLVED, the CEO of the Corporation, Mariaelena Moncigoli, shall be authorized to sign and execute the Instruments and any other documents required in order to file and manage the Case on behalf of the Corporation; and it is further

RESOLVED, that, subject to Bankruptcy Court approval, the Corporation is hereby authorized to employ and retain the following professionals to assist it in the bankruptcy process: Morrison Cohen LLP, as general and bankruptcy counsel for the Corporation; Ryniker Consultants, LLC, as financial advisor to the Corporation; and Bankruptcy Management Solutions, Inc. d/b/a Stretto as Claims and Noticing Agent.

IN WITNESS WHEREOF, the undersigned, being all of the members of the Board of have executed and adopted this Unanimous Written Consent as of the 30th day of October, 2020.


Alberto Camerlengo


Mariaelena Moncigoli


Lyudmila Maguire

**United States Bankruptcy Court
Southern District of New York**

In re Furla (U.S.A.), Inc.

Debtor(s)

Case No.
Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

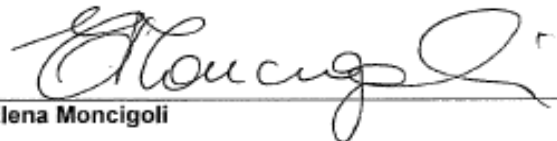
Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Furla S.p.A.			100% Ownership Interest

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **CEO** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date November 6, 2020

Signature


Elena Moncigoli

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court
Southern District of New York**

In re **Furla (U.S.A.), Inc.**

Debtor(s)

Case No.

Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Furla (U.S.A.), Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

Furla S.p.A.

☐ None [*Check if applicable*]

November 6, 2020

Date


Joseph T. Moldovan

Signature of Attorney or Litigant
Counsel for **Furla (U.S.A.), Inc.**

Morrison Cohen LLP

909 Third Avenue

New York, NY 10022-4784

(212) 735-8600 Fax:(212) 735-8708

bankruptcy@morrisoncohen.com

Fill in this information to identify the case:

Debtor name Furla (U.S.A.), Inc.
United States Bankruptcy Court for the: Southern District District of New York
(State)
Case number (If known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	Copley Place Associates LLC c/o M.S. Management Associates Inc. 225 W Washington St Indianapolis, IN 46204-3438		Lease	Disputed			\$190,422.72
2	Premium Outlet Partners LP - Woodbury Outlet c/o Simon Property Group, Inc. 60 Columbia Rd Morristown, NJ 07960		Lease	Disputed			\$170,403.46
3	Premium Outlet Partners LP- Hawaii Waikale Outlet c/o Simon Property Group Inc. 225 W Washington St Indianapolis, IN 46204-3438	Premium Outlets	Lease	Disputed			\$168,400.25
4	Aventura Mall Venture c/o Turnberry Aventura Mall Company Ltd. 19501 Biscayne Blvd Aventura, FL 33180	Legal Dept./Leasing Atty jthomas@turnberry.com	Lease	Disputed			\$161,795.41
5	South Coast Plaza c/o South Coast Plaza Management Offices 3333 Bristol St Costa Mesa, CA 92626	Gen. Manager AlcockD@SouthCoastPlaza.com	Lease	Disputed			\$160,006.68
6	RHC Property Holdings LLC Royal Hawaiian Shopping Center 2201 Kalakaua Ave Honolulu, HI 96815	Director T.Noborikawa@festivalcos.com	Lease	Disputed			\$158,575.33

Debtor Furla (U.S.A.), Inc.
Name

Case number (if known) _____

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
7	The Retail Property Trust c/o M.S. Management Associates Inc. 225 W Washington St Indianapolis, IN 46204-3438		Lease	Disputed			\$153,096.23
8	Simon/Chelsea Las Vegas Development, LLC c/o Simon Property Group – Premium Outlets 225 W Washington St Indianapolis, IN 46204-3438	Lease Services	Lease	Disputed			\$147,309.83
9	Premium Outlet Partners LP Cabazon Outlet c/o Simon Property Group, Inc. 60 Columbia Rd Morristown, NJ 07960	Lease Services	Lease	Disputed			\$131,580.28
10	Sawgrass Mills Phase IV LLC 1300 Wilson Blvd Suite 400 Arlington, VA 22209	General Counsel	Lease	Disputed			\$128,639.82
11	CPG Houston Holdings LP c/o Simon Premium Outlets 60 Columbia Rd Bldg B Morristown, NJ 07960	Lease Services	Lease	Disputed			\$95,755.14
12	iProspect Via Benigno Crespi 23 Milano, MI 20159 Italy		Trade Payable				\$91,604.82
13	Livermore Premium Outlets LLC c/o Simon Property Group, Inc. 60 Columbia Rd Morristown, NJ 07960	Lease Services	Trade Payable	Disputed			\$84,955.63
14	Craig Realty Group Citadel LLC 4100 MacArthur Blvd Suite 200 Newport Beach, CA 92660	Manager – Lease Admin and Gen. Counsel receivables@craigrealtygroup.com	Trade Payable	Disputed			\$74,397.01
15	Claudia Wuensch Communication Mehringdamm 70 Berlin, Germany 10961		Trade Payable				\$34,558.38
16	Keenpac N.A. Ltd 8338 Austin Ave Morton Grove, IL 60053	Alex.Karfis@BunziBRS.com	Trade Payable				\$33,031.32
17	Savino Del Bene Attn: Jamin Nieri 34 Engelhard Ave Avenel, NJ 07001	P 732-574-3900 Jamin.nieri@savinodelbene.com	Trade Payable				\$28,962.02

Debtor Furla (U.S.A.), Inc.
Name

Case number (if known) _____

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
18	SPS Worldwide LLC 118 E 28th St Suite 908 New York, NY 10016	P: 212-213-1177 Brenda@spsworldwide.com	Trade Payable				\$12,044.06
19	Visualplex S.r.l via Ferruccio Parri 9/11/13 Levane Bucine, AR, Italy 52021		Trade Payable				\$7,712.02
20	Open Text, Inc. 24685 Network Pl Chicago, IL 60673-1246		Trade Payable				\$3,103.64

Fill in this information to identify the case:

Debtor name Furla (U.S.A.), Inc.

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.


I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ Schedule A/B: Assets—Real and Personal Property (Official Form 206A/B)
- ☐ Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D)
- ☐ Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)
- ☐ Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G)
- ☐ Schedule H: Codebtors (Official Form 206H)
- ☐ Summary of Assets and Liabilities for Non-Individuals (Official Form 206Sum)
- ☐ Amended Schedule
- ☒ Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 6, 2020

x


Signature of individual signing on behalf of debtor

Elena Moncigoli

Printed name

CEO

Position or relationship to debtor